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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,277	05/16/2002	Raymond Anthony Keefe	Q68473	9288

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EXAMINER

BENSON, WALTER

ART UNIT PAPER NUMBER

2858

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,277	Applicant(s) KEEFE, RAYMOND ANTHONY	
	Examiner Walter Benson	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) 2-8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 8</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided (i.e. line 5, --probe means--). The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossler et al. (US Patent No. 3,792,350 and Bossler hereinafter) in view of Rider et al. (US Patent No. 5,361,029 and Rider hereinafter).

5. As to claims 1 and 9, Bossler discloses a device for determining location of a fault in art underground cable [col. 1, lines 5-8] causing an earth leakage path from an internal conductor to earth at the location of the fault substantially as claimed comprising:

where, when signal is applied to the conductor, earth leakage signal flows between the earth and conductor at the location of the fault (col. 1, lines 19-25);

where the applied signal is a multi-frequency signal having at least two frequency components (col.2, lines 25-29);

the device having probe means positionable to receive the earth leakage signal (col. 2, lines 62-67);

Bossler did not expressly disclose:

means for rectifying a first component of the earth leakage signal corresponding to one said frequency component of said applied signal;

multiplying the rectified first component of the earth leakage signal with a second component of the earth leakage signal corresponding to another the frequency component of the applied signal;

from the result of the multiplication, determining the direction from the device to the fault.

Nonetheless, these features are well known in the art and would have been an obvious modification to the system disclosed by Bossler, as evidenced by Rider.

In an analogous art, Rider discloses an apparatus and method for locating multiple concealed underground objects having:

means for rectifying a first component of the earth leakage signal corresponding to one the frequency component of the applied signal (col. 24, lines 52-56) for signal averaging ;

multiplying the rectified first component of the earth leakage signal with a second component of the earth leakage signal corresponding to another the frequency component of the applied signal (col. 24 lines 62-65) to transform the signal;

from the result of the multiplication, determining the direction from the device to the fault (col. 24, lines 65-68).

Given the teaching Rider, a person having ordinary skill in the art at the time the invention was made would have readily recognized the desirability and advantages of modifying Bossler by employing the well known or conventional features of cable fault/locator technology, such as

disclosed by Rider, in order to reduce the time to trace multiple lines with minimized signal interference and for the purposes discussed above.

Allowable Subject Matter

6. Claims 2-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach or suggest individually or in combination an apparatus and method for determining location of a fault in an underground cable where the multiplication is effected as an array multiplication of sets of time-spaced samples of the first and second components of the earth leakage signal. Detecting and removing signal artifacts due to switching transients or other external interference. Determining a confidence indication, indicating a degree of reliability of the result.

Prior Art Made of Record

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure


A. Haddon et al. (US Patent No. 4,697,137) discloses a method and apparatus for sensing a fault and its direction.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Benson whose telephone number is (703) 306-4525. The examiner can normally be reached on Mon to Fri 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Walter Benson 
Examiner
August 12, 2003


N. Le
Supervisory Patent Examiner
Technology Center 2800